THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20302 of 2000

29.6.2007

Between:

Sanapala Suryakantham, S/o.late Suryanarayana

… Petitioner

AND

The Government of Andhra Pradesh, represented by
Secretary, Social Welfare (F1) Department, Secretariat, Hyderabad
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20302 of 2000

ORDER:

This writ petition is filed challenging the orders of the Government in G.O.Ms.No.179 Social Welfare (F1) Department, dated 10.12.1997, passed in exercise of their powers under Section 6 of Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 (the Regulation, for brevity), as amended by Regulation I of 1970.

The petitioner purchased the land in an extent of Acs.5.64 in R.S.No.48/4 situated at Rowthugudem village, under an agreement of sale dated 24.12.1969, from a non-tribal, Nemula Kotaiah. She was allegedly to be in possession. In 1990, the third respondent initiated action under the Regulation and issued notice to the petitioner. The third respondent by an order dated 15.6.1995 in S.R.No.1458 of 1990 ordered ejectment of the petitioner. Aggrieved by the same, petitioner preferred appeal before the second respondent in S.R.A.No.28 of 1995. The same was dismissed on 06.6.1996. The petitioner then preferred revision petition. The claim of the fourth respondent was also rejected by the original authority as well as appellate authority and therefore he also filed revision petition. These two revision petitions were considered by the Government and were rejected by the impugned order.

The main contention of the petitioner is that the respondents 3 and 2 failed to give proper opportunity to her and therefore these orders are unsustainable. It is also contended that the first respondent did not issue notice of hearing and *ex parte* order was passed.

The Government before considering the revision petition summoned the original record from the office of the second respondent and found that though ample opportunity was given to the petitioner, she did not produce any evidence in proof of the allegation that she

purchased the land on 24.12.1969. The record also revealed that the petitioner purchased the land under a sale deed of the year 1974 and therefore the transaction is hit by Section 3(2) of the Regulation. Further, as seen from the impugned order, notice of hearing was issued to the petitioner and fourth respondent requiring them to be present in person or through their Counsel on 03.11.1997 but they did not appear and therefore after examining the record, the Government dismissed the revision petitions. The submission of the petitioner that there was no notice, therefore, cannot be countenanced. Insofar as merit of the case is concerned, the Agent to the Government found that the sale is of 1974 and that the same was rendered void as per Section 3(2) of the Regulation. The finding of fact is based on record and therefore no interference is called for.

The writ petition is devoid of any merit and is accordingly dismissed. No costs.

June 29, 2007. (**V.V.S.RAO,J**)

YS